

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN M. TALLEY,

Plaintiff,

vs.

Case No. 09-CV-10005  
HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION (#17)  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (#15 ),  
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (#11), AND  
DISMISSING PLAINTIFF'S CLAIM

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Kevin Talley's claim for judicial review of defendant Commissioner of Social Security's denial of his application for disability insurance benefits and supplemental security income benefits premised on coagulation defects, degenerative disc disease, inguinal strain, and an affective disorder. The matter was referred to Magistrate Judge Charles E. Binder, who issued a thirteen-page Report and Recommendation on February 26, 2010 recommending that defendant Commissioner's motion be granted, that Talley's motion be denied, and that Talley's claims be dismissed on concluding there is substantial evidence in the record to support the Administrative Law Judge's ("ALJ") decision that Talley is not entitled to disability benefits because he retained the residual functional capacity to perform a limited range of light work existing in the national economy. The

Magistrate Judge also determined that the ALJ's hypothetical questions to a vocational expert were accurate, incorporating all of Talley's limitations, even assuming without supporting medical evidence, that Talley was moderately limited in concentration, persistence, or pace. Talley has not filed timely objections to the Report and Recommendation. See 28 U.S.C. § 636(b)(1). Failure to file specific objections waives any further right of appeal. See Thomas v. Arn, 474 U.S. 140 (1985); Frontier Ins. Co. v. Blaty, 454 F.3d 590, 596 (6th Cir. 2006).

The court has reviewed the Report and Recommendation, and in the absence of timely objection,

The court hereby adopts Magistrate Judge Binder's February 26, 2010 Report and Recommendation. Plaintiff Talley's motion for summary judgment is hereby DENIED. Defendant Commissioner of Social Security's motion for summary judgment is hereby GRANTED. Plaintiff Talley's claim is hereby DISMISSED.

SO ORDERED.

Dated: March 15, 2010

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
March 15, 2010, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk